

**Remarks/Arguments:**

Claims 1-16 were originally filed in this application. Herein, claims 1, 6, 8, 9, 14 and 16 are currently amended and claims 3, 4, 5, 11, 12 and 13 are canceled.

In the Office action dated April 3, 2008, claims 8 and 16 were found directed to allowable subject matter and claims 1-7 and 9-15 were rejected under 37 C.F.R. § 103(a) as being unpatentable over Miki (U.S. Patent No. 6,641,292 / U.S. Publication No. 2002/0018348) in view of Burton (U.S. Patent No. 6,773,153). Applicant respectfully disagrees.

**Claim Rejections – 35 U.S.C. § 103(a)****Independent Claim 1:**

Claim 1, as amended herein, recites an adjuster having, among other things, a motor, a drive gear, an output shaft and a ball insert. The structural relationship between those elements is such that “actuation of the motor causes movement of the output shaft and the ball insert” and “rotation of the drive gear causes movement of the ball insert without movement of the output shaft.” Among other things, Miki does not disclose a motor, a drive gear, an output shaft and a ball insert that have the structural relationship recited in claim 1.

The Office Action cites Miki element 18 as the output shaft, Miki element 20 as the “drive/gear” (noting that Miki does not actually disclose a drive *gear*, but rather just a drive that is, according to the Office Action, analogous to a gear) and the threaded portion 18b of the Miki output shaft as the ball insert. Applicant disagrees with the Office Action’s characterization of the Miki elements as the elements of claim 1 – particularly with respect to the drive gear and ball insert – but even assuming the Office Action is correct, the Miki elements do not have the

structural relationship required by claim 1. Rotation of the Miki element 20 (“drive/gear”) does **not** cause movement of the Miki “ball insert” without movement of the Miki output shaft as required by Applicant’s claim 1. The threaded portion 18b of the Miki output shaft does not and cannot move independently of the Miki output shaft. See Miki FIGS. 1 and 2. The threaded portion is just that – a portion of the Miki output shaft that is threaded. There is no possible way the threaded portion of the Miki output shaft could move without movement of the output shaft. The threaded portion will rotate if the output shaft rotates, and it will translate axially if the output shaft translates axially. It will not and cannot otherwise move. No structures of Burton could be combined with the device disclosed in Miki that would result in independent movement of the threaded portion and output shaft. Accordingly, Miki, even in combination with Burton, does not include all of the elements of claim 1 as amended herein.

The Office Action states, with respect to originally filed claims 5 and 13, that certain limitations in that claim related to the movement of the ball relative to the output shaft were considered to be merely directed to “the manner in which a claimed apparatus is intended to be employed.” Applicant submits that neither the limitations in originally filed claims 5 and 13 nor the limitations in amended claim 1 with respect to the movement of elements relative to one another are directed to the manner in which a claimed apparatus is intended to be used. Instead, the limitations describe the structural relationship between the elements. The elements are structurally arranged such that movement of one does not cause movement of the other. This is far different from the limitation at issue in the case cited in the Office Action, *Ex parte Masham*, 2 U.S.P.Q.2d 1647 (1987). The limitation in *Masham* was directed to “mixing means” of a machine for mixing developer material being “completely submerged in the developer material,”

where the developer material was not an element of the machine but the material that the machine was intended to mix. 2 U.S.P.Q.2d at 1647. In contrast, Applicant's claim 1 recites a structural relationship between several elements – the motor, output shaft, ball insert and drive gear – of the claimed lamp adjuster: “actuation of the motor causes movement of the output shaft and the ball insert” and “rotation of the drive gear causes movement of the ball insert without movement of the output shaft.” The limitation in Applicant's claim 1 does not describe an intended use of the lamp adjuster, but instead describes a specific structural relationship between claimed elements.

Moreover, even if the limitation was directed to an intended use, the adjuster disclosed in Miki is not capable of that intended use. As described in detail above, the threaded portion of the Miki output shaft cannot move without movement of the Miki output shaft because the structural relationship between the threaded portion and the output shaft would not and could not allow that to happen.

In light of the amendments made to claim 1 herein and the arguments set forth above, Applicant submits that claim 1 is not anticipated or rendered obvious by Miki or any combination of Miki and Burton.

#### **Independent Claim 9:**

Claim 9, as amended herein, recites a lamp assembly including, among other things, a motor, a drive gear, an output shaft and a ball insert. The structural relationship between those elements is such that “actuation of the motor causes movement of the output shaft and ball insert,” and “rotation of the drive gear causes movement of the ball insert without movement of

the output shaft.” Neither Miki nor Miki in combination with Burton disclose a motor, drive gear, output shaft and ball insert having the structural relationship of amended claim 9.

As described in detail with respect to claim 1 above, the Miki “ball insert” (or threaded portion of the Miki output shaft) cannot move without movement of the Miki output shaft. No structures disclosed in Burton could be combined with the Miki device to allow the Miki “ball insert” to move independently of the Miki output shaft. Accordingly, claim 9 as amended herein is not anticipated or rendered obvious by Miki or any combination of Miki and Burton.

**Dependent Claims:**

Independent claims 1 and 9 are not anticipated or obvious, as established above. Thus, the claims that depend therefrom, namely, Claims 2, 6, 7, 10, 14 and 15 are also not anticipated or obvious. Claims 8 and 16 remain directed to allowable subject matter (the claims from which they now depend having been rewritten to include the language from any intervening claims), as noted in the Office Action.

**Conclusion**

In view of the remarks and amendments presented herein, it is respectfully submitted that claims 1, 2, 6-10 and 14-16 are in condition for allowance and reconsideration of same and notice of allowance of the claims is respectfully requested. Applicant submits that no new matter has been added to the application and requests that the Examiner telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present application, particularly before the issuance of a final rejection. Applicant hereby authorizes the fee for a one-month extension of time to be charged to Deposit Account No. 07-1509, Godfrey & Kahn, S.C.

Respectfully submitted,

GODFREY & KAHN, S.C.

Dated: July 31, 2008

By: /jrr/

Brian G. Gilpin  
Registration No. 39,997  
Jennifer R. Racine  
Registration No. 56,874

Attorneys of Record for the Applicant  
GODFREY & KAHN, S.C.  
780 North Water Street  
Milwaukee, WI 53202-3590  
Phone: (414) 273-3500  
Facsimile: (414) 273-5198  
E-mail: [bgilpin@gklaw.com](mailto:bgilpin@gklaw.com)  
E-mail: [jracine@gklaw.com](mailto:jracine@gklaw.com)